

REMARKS

This Revised Preliminary Amendment is in support of Applicant's Request for Continued Examination and is in response to the Office Communication mailed on May 18, 2004 which was responsive to a Preliminary Amendment submitted on February 13, 2004. Applicant discovered that the USPTO previously determined that inventions from the "clean" water industry are not prior art in the "dirty" water industry. See File history to United States Patent 4,672,691, which is incorporated herein by reference. Claims 5, 18 and 28 (from those previously held to be allowable) have been amended in view of this information.

Specifically "clean water" generally refers to water of sufficient quality to swim in and/or drink. "Dirty water" refers to sewage or other treatment type ponds. Covers for clean water seek to keep contaminants out of the water, while dirty water covers seek to release gas to the atmosphere or further processing. The needs of these two distinct types of water are so different that they are two different fields in the commercial world. A person working the field of clean water would not know what is available in the dirty water market and vice versa. Even if per chance one skilled in the art of one field knew of something from the field they would not believe it works, because the criteria with which they are working are radically different. A full explanation is found in the declaration of Claude G. Degarie, found in the file history of US. 4,672,691 and the Associated Amendment and Response After Final. Applicant makes his request under 37 C.F.R. §1.104(d)(2) or for suitable other support if the Examiner asserts this

Applicant is not entitled to the same treatment as the applicant in 4,672,691 received on the same issue.

Antecedent basis for the changes in 5 and 18 is found on pages as part number 7, e.g. a specific type of fastener, and antecedent basis for the change in claim 28 is found in col. 1, Ins. 1 and 2 of the underlying patent, e.g. dirty water. Other changes concerned removal of language for which antecedent basis is not required.

In the specific situation, Applicant was the first to discover that the use of fasteners between panels was sufficient for releasing gases from dirty water ponds. Prior dirty water ponds used tubes to release the gas, such as that found in United States Patent 4,672,691. Applicant further asserts that "clean water" references do not disclose that they will properly release gas from dirty water ponds.

Applicant submits that all objections and rejections have been overcome and should be withdrawn and that the patent sought to be re-issued is in a condition for allowance. Notice to that effect is respectfully requested. Any questions concerning this application may be directed to **N. Paul Friederichs at (612) 862-0517.**

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